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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003033

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SUBJECT: ELECTION LAW UPDATE: VP HASHIMI MULLS OVER IHEC
PROPOSAL

REF: BAGHDAD 3011

Classified By: Classified by Acting Political Minister-Counselor Yuri K
im for Reasons 1.4 (b) and (d).

11. (C) SUMMARY: Vice President Tariq al-Hashimi did not follow through on a threat to veto today the election law unless the percentage of compensatory seats was increased in consideration of the size of the out-of-country voter population. After a detailed discussion with election officials last night and this morning, Hashimi privately acknowledged that he had misunderstood the manner in which ballots cast by Iraqis abroad influenced national compensatory seats, but felt he had been right in principle and could not give up his cause without a fight. Hours of back-and-forthing between Hashimi and the Iraqi High Electoral Commission (IHEC), UNAMI, the parliament's Legal Committee, and Speaker Samarraie appear to have produced a possible face-saving solution: Hashimi will sign the election law, but will note his reservations, which Samarraie will assure him in writing that the COR will subsequently address. Discussions with UNAMI and IHEC continue, although multiple sources indicate Hashimi will probably accept the deal and sign the law within the next couple of days. The Ambassador pressed Samarraie, former PM Ayad Allawi, and VP Abd al-Mahdi to ensure that Hashimi understood the strength of U.S. support for avoiding a veto and holding credible, legitimate elections in January. END SUMMARY.

HASHIMI'S DEMANS BASED ON FALSE PREMISE

12. (C) During a two-hour meeting with IHEC members on November 16, Vice President Hashimi threatened to veto the amended election law if the COR or IHEC did not find a way by 1:00 p.m. on November 17 to raise the percentage of compensatory seats to 15 percent. Hashimi mistakenly thought compensatory seats were filled exclusively through out-of-country voting (OCV) and felt that the number was too low to accurately reflect his estimate that there are four million Iraqis abroad. (NOTE: This number is significantly higher than the figure of 1.8 million commonly cited by the Embassy. END NOTE.) The IHEC Commissioners, along with the chief elections advisor from the United Nations Assistance Mission in Iraq (UNAMI) clarified to Hashimi that the law as currently amended preserves the 2005 method of allocating national compensatory seats. According to this formula, OCV votes are mixed with the total sum of votes cast domestically. Minor parties that attain at least the national average number of votes per seat receive a proportional number of seats. The remainder are proportionally distributed to parties according to the percentage of votes received nationally.

13. (C) In thinking that compensatory seats were reserved for OCV, Hashimi thought he could significantly increase the influence of the large expatriate Sunni population by raising the number of compensatory seats from eight to 40. Per the current system, however, if OCV voter turnout is

similar to 2005 when 300,000 votes were caste, votes from Iraqis abroad would have very limited influence in determining the winners of the national compensatory seats - at best a symbolic impact whether the number be eight or 40. UNAMI elections advisor Sandra Mitchell reported that Hashimi was shocked and embarrassed to learn the system was the same as in 2005 and quickly blamed his advisors for not briefing him correctly.

SEARCHING FOR A FACE-SAVING SOLUTION

¶4. (C) Acknowledging that the option of increasing
Q4. (C) Acknowledging that the option of increasing compensatory seats could not satisfy his public demands to assign greater weight to OCV votes, Hashimi told the IHEC Commissioners that he needed a face-saving measure to respond to continuing pressure from the Iraqi diaspora and some party leaders. During a meeting today with DCM, Vice Chairman of IHEC, Amel Bayrakier, explained that IHEC's Board of Commissioners met until midnight the previous night trying to find a way by which Iraqis abroad would be more justly represented in the legislature without a second amendment by the COR. Following the advice of international elections experts, the Board concluded that no such remedy was available, and thus the COR would have to be consulted.

¶5. (C) This morning, a delegation of IHEC Commissioners, lead by Chairman Faraj Al-Haydari and Spokesman Kasim Al-Abodi, met with the Legal Committee and COR leadership, including Speaker Ayad Sammarai. During the session, IHEC advised that the solution that would likely fulfill Hashemi's demands would be for the COR to adopt an amendment

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to Article 17 of the election law, which governs the method by which compensatory seats are allocated. Under this proposal, up to eight of the national compensatory seats would be filled exclusively by OCV votes. To prevent these seats from being determined by fewer voters than the other seats in COR, IHEC would divide the number of OCV ballots cast by the national average of votes per seat, subsequently allocating the OCV seats to parties proportionally. Any remaining compensatory seats would be distributed to small parties that received more votes than the national average, but not enough to get a district seat.

¶6. (C) The Ambassador pressed Speaker Samarraie, former PM Allawi, and VP Abd al-Mahdi to ensure that Hashimi understood the strength of U.S. support for avoiding a veto and holding credible, legitimate elections in January. Poloffs delivered the same message to key lawmakers and associates of Hashimi, including Saleh al-Mutlaq, Omar al-Jabouri, and Osama al-Najaifi. In a conversation with the Ambassador soon after the Legal Committee meeting ended, Sammarai said he was working toward an arrangement in which Hashimi would sign the bill into law with reservations in exchange for assurances from Sammarai that the COR will consider IHEC's proposal in the near future. UNAMI Deputy SRSG Andrew Gilmour told PolCouns that Hashimi had accepted Sammarai's offer and had ceased threatening to veto the bill. In an evening conversation with poloff, Hashimi's Director General, Krikor Der-Hagopian (see refTel) stated that the Vice President had received Sammarai's letter outlining his options to either sign the law with assurances that he COR will attempt to allocate more weight to OCV ballots or veto the law. Der-Hagopian reported that Hashimi is considering signing the law, but has doubts that the COR will actually amend the law once he has signed. Hashimi requested a briefing, reportedly to take place this evening, in which IHEC will outline the solution presented to the Legal Committee.

KURDS UNHAPPY WITH SEAT ALLOCATION

¶7. (C) On November 17, Kurdistan Regional Government (KRG)

Chief of Staff Fuad Hussein told PolOff that he was misquoted in the press and on a television crawler, that broadcasted that the KRG President's Office announced the Kurds will boycott the national parliamentary elections. Hussein clarified that KRG President Barzani does not believe that the food ration card system is an equitable way to distribute parliamentary seats. He cited Ninewa's gain of 13 seats, questioning how could there be an influx of 1.3 million people who have applied for ration cards since 2005. Hussein said that the KRG wants to ensure that the seat distribution will be reviewed. Otherwise, the Kurds would have to threaten to boycott. He intimated that the threat of a boycott maintains pressure for the seat distribution to be reviewed.

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